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DEPT FOR AF/E

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TAGS: [EWWT](#) [KCRM](#) [MOPS](#) [PHSA](#) [PBTS](#) [PTER](#) [KE](#)

SUBJECT: KENYAN VIEWS ON SOMALI PIRACY CONTACT GROUP

REF: STATE 133750

¶1. Summary: Kenya supports the proposal to establish a Contact Group on Somali Piracy and plans to send an appropriate high-level official to participate in the inaugural meeting of the CGSP in New York January 13-14. End Summary.

¶2. In response to Reftel, the Kenyan MFA told us December 29 that Kenya supports the proposal to establish a Contact Group on Somali Piracy (CGSP) and plans to send an appropriate high-level official to participate in the inaugural meeting of the CGSP in New York January 13-14. On January 2 the MFA provided us with the following "initial reaction" to the proposed focus areas as defined in Reftel.

¶3. Begin Text of Note:

Kenya's Initial Reaction to the Proposed "focus areas" for Discussion by the Contact Group on Somali Piracy (CGSP)

-- Kenya like the US considers the challenges posed by piracy off the coast of Somalia to be of grave concern not only to Kenya but to the international community at large. Kenya further recognizes that the series of actions undertaken by the United Nations Security Council and in particular the adoption of resolutions 1814(2008), 1816 (2008), 1838(2008) have strengthened and enhanced the fight against piracy in Somalia. Resolution 1846 in particular, provides clear rules of engagement for participating naval forces to facilitate the disruption of pirate operations.

-- Several countries have responded positively to the call to cooperate in the fight against piracy, in their territorial waters and in the high seas. Most of these are however national initiatives that act independent of each other. Kenya therefore recognizes the need to have a more cohesive and coordinated response. In this respect Kenya supports the proposal to establish the Contact Group on Somali Piracy (CGSP). This will facilitate a more efficient response and sharing of information and intelligence on piracy.

-- Kenya further supports the need to promote a judicial track to arrest, detain, and prosecute pirates. Although Kenya has cooperated with the international community by accepting and prosecuting these offenders in line with its international obligations, the issue of jurisdiction remains challenging. Piracy is an extra-territorial organized crime that is committed in the High Seas and as a result of participation of various states naval forces in the exercise, with ships flying flags of different states from the crew and being arrested by forces from different states other than the trying states. In addition to jurisdiction there is need to address the issue of conflict of laws in the participating states presenting newer challenges with regard to recording of evidence and the subsequent prosecution of the case.

-- The Government of Kenya supports in principle the need to advocate for an increase in Maritime Self Defense Capabilities and Public Diplomacy activities. In this regard the International

Maritime Organization has taken action to increase awareness of the problem of piracy off the coast of Somalia in cooperation with the shipping industry, to advise ships on practical measures they can take in the event of an attack. Through its technical programme, the organization is assisting Kenya and other countries in the region to build capacity to add their contribution to the overall efforts. The Government would however wish to have further clarification with regard to the form of self Defense mechanisms sought under the CGSP.

-- The Government of Kenya supports the initiative to interdict financial flows to pirate organizations using national capabilities to investigate, gather, assess and share financial intelligence on pirate operations.

End Text.

RANNEBERGER